UNITED
NATIONS

E

Economic and Social
Council

Distr
GENERAL

E/C.12/1/Add.43
23 May 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

ITALY

1. The Committee considered the third periodic report of Italy on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.19) at its 6th, 7th and 8th meetings, held on 27 and 28 April 2000, and adopted, at its 23rd meeting held on 11 May 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of the State party as well as its written replies to the list of issues that were presented by a high-level delegation comprised of officials of various ministries. However, it notes with regret the late submission of the report as well as the written replies to the list of questions. The Committee welcomes the constructive dialogue with the delegation.

B. Positive aspects

3. The Committee notes with appreciation the measures taken by the State party to combat organized crime. The Committee also welcomes the adoption of the immigration bill of 1998, granting one-year residence/work permits to women who have been the victims of trafficking and who denounce their exploiters, and the criminalization of trafficking of migrants under the Penal Code.

4. The Committee also notes with appreciation the approval of the Texto Unico 286/98, which gives foreigners "regularly present on the national territory" equal standing with Italian citizens regarding access to residential and public housing, and credit on favourable terms for building, acquiring or renting their first home.

5. The Committee notes with appreciation the approval of law No. 53 of 8 March 2000 which recognizes the right of the father, as well as the mother, to take leave from work to care for a child during early infancy.

6. With regard to the problem of domestic violence against women, the Committee welcomes the approval of law No. 66 of 1996, characterizing sexual violence as "a crime against the person" punishable by imprisonment.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes the socio-economic problems arising from the increase in immigration to Italy caused by the tragic events in the Balkans and the influx of persons from other regions.

D. Principal subjects of concern

8. The Committee regrets that some of the written replies to the list of issues were insufficient, and that some oral statements made during the dialogue were too vague and general.

9. The Committee notes with concern the statement made by the State party in its written replies to the list of issues, confirmed by the delegation during its dialogue with the Committee, that only very few court rulings refer explicitly to the Covenant.

10. The Committee notes with concern that a large number of the Roma population live in camps lacking basic sanitary facilities on the outskirts of major Italian cities. The Roma on the whole live below the poverty line and are discriminated against, especially in the workplace, if and when they find work, and in the housing sector. Life in the camps has had a major negative impact on the Roma children, many of whom abandon primary and secondary schooling in order to look after their younger siblings or to go out begging in the streets in order to help increase their family income.

11. The Committee draws the attention of the State party to the concern expressed by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) regarding the transfer to local health units of the functions of the labour inspectorate with regard to prevention and occupational safety and health. The Committee is concerned that such transfer may create a problem of coordination. The Committee also regrets that the delegation did not answer the question put to it on this matter.

12. The Committee is alarmed by the high rate of accidents in the workplace and draws the attention of the State party to the concern expressed by the ILO Committee of Experts which has repeatedly drawn the Government's attention to the need to adopt legal regulations and policies on the prevention of accidents in the workplace, and in particular in the ports.

13. The Committee regrets the insufficiency of the information provided by the State party concerning the social security system, especially considering that the Committee's previous concluding observations on Italy had signalled a lack of information on article 9 in the State party's second periodic report (E/1993/22, para. 188).

14. While commending the State party for its efforts to combat violence against women, the Committee remains concerned that the Government has not yet devised a comprehensive, coordinated and concerted strategy to address this serious problem.

15. While also commending the State party for the many initiatives taken to combat organized crime, the Committee remains concerned at the extent of trafficking of women and children, sexual abuse of minors and child pornography in Italy.

16. The Committee notes with concern that there are still substantial economic and social inequalities between the northern and southern parts of the country, which impact negatively on the situations of women, young people, children and disadvantaged and marginalized groups.

17. The Committee notes with regret that in Italy, asylum-seekers have access to subsidized health care only in emergency situations. The Committee points out that this policy is not in compliance with the provisions of the Covenant.

18. With respect to education, the Committee notes with concern the high rate of young people dropping out of secondary education. In addition, the Committee is concerned about the phenomenon of functional illiteracy. The Committee regrets not having had a clear answer to its question on this issue during the dialogue.

19. The Committee is concerned about the controversial proposal in the State party's school education reform programme to give private schools some public funding.

E. Suggestions and recommendations

20. The Committee encourages the Government of Italy, as a member of international organizations, in particular the International Monetary Fund and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2 (1) concerning international assistance and cooperation.

21. The Committee recommends that the State party organize briefings for judges to familiarize them with the provisions of the Covenant and the general comments adopted by the Committee.

22. The Committee recommends that the State party ratify the 1961 Convention on the Reduction of Statelessness.

23. The Committee recommends that the State party step up its efforts to improve the situation of the Roma population, inter alia by replacing camps with low-cost houses, by legalizing the status of Roma immigrants, by setting up employment and educational

programmes for parents; by giving support to Roma families with children at school; by providing better education for Roma children; and by strengthening and implementing anti-discrimination legislation, especially in the employment and housing sectors.

24. The Committee calls upon the State party to implement the recommendations made by the ILO Committee of Experts concerning the decentralization of labour inspection. The Committee would appreciate detailed information about the system of labour inspections in the next periodic report.

25. The Committee calls upon the State party to take effective measures to ensure that workers enjoy safe working conditions. In particular, the Committee recommends that the State party adopt measures, including legislation, on the prevention of accidents, particularly in the ports, and ratify the ILO Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152). The Committee also recommends that the State party ratify the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Part-time Work Convention, 1994 (No. 175).

26. The Committee encourages the State party to ratify, as planned, the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). The Committee would appreciate information from the Ministry of Labour in the next periodic report on the number of cases dealt with by the courts under the legislation on disability.

27. The Committee recommends that the State party devise a national strategy to combat violence against women, the elements of which should include data collection, enactment of relevant legislation, training courses for and sensitizing of the police forces and the judiciary, establishment of refuges for battered women and public awareness-raising campaigns.

28. The Committee recommends that the State party devise a comprehensive, coordinated and concerted national strategy to combat trafficking in women and children, sexual abuse of minors and child pornography by organized crime.

29. The Committee recommends that the State party seriously address the persistent problem of economic and social disparities existing between the northern and southern parts of Italy, which have a negative effect on the situations of women, young persons, children and disadvantaged and marginalized groups.

30. The Committee recommends that the State party step up its efforts to assist those living under the poverty line, the majority of whom are women.

31. The Committee invites the State party to address, in its next periodic report, the issue of the cost of medication under the privatized system and the measures the State party is taking to combat the negative effects this may have on the health of vulnerable groups. The Committee would also like more information about the results of the latest completed National Health Plan, especially with regard to older persons and other vulnerable groups.

32. The Committee urges the State party to extend the subsidized health-care system to asylum-seekers without discrimination.

33. The Committee recommends that the State party draw up a national strategy and plan of action to address the significant problems relating to school drop-outs and youth unemployment.

34. The Committee would like to receive information on the extent of the phenomenon of functional illiteracy in Italy.

35. With regard to the public funding of private schools, the Committee reminds the State party that any such funding must be without discrimination on any of the prohibited grounds.

36. The Committee recommends that the State party distribute these concluding observations widely. The Committee invites the State party to inform the Committee about the implementation of these concluding observations in Italy's next periodic report.